

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YVONNE L. WHITE, Individually and as
Wife and Husband; and ROSCOE NIXON,
Individually and as Wife and Husband;

8:20CV207

Plaintiffs,

vs.

GRAND ISLAND RADIOLOGY
ASSOCIATES, P.C., A Nebraska
Corporation; and TROY E. HLAVATY,
Personal Representative of the Estate of
Tamara S. Hlavaty, MD, deceased;

Defendants.

ORDER OF DISMISSAL

This matter comes before the Court on the Findings and Recommendation of Magistrate Judge Nelson recommending dismissal of plaintiffs Yvonne L. White and Roscoe Nixon's claims against Troy Hlavaty as personal representative of the estate of Tamara S. Hlavaty and Grand Island Radiology Associates as a discovery sanction.

[Filing No. 92](#).

No party objected to the Findings and Recommendation. As set forth in greater detail in the magistrate judge's order, the plaintiffs have repeatedly failed to supplement written discovery despite numerous court orders. [Filing No. 92 at 3](#). Pursuant to [NECivR 72.2](#) and [28 U.S.C. § 636\(b\)\(1\)\(C\)](#), the Court has conducted a de novo review of the record and agrees with the magistrate judge that dismissal of the action is the appropriate sanction under [Fed. R. Civ. P. 37\(b\)\(2\)\(A\)\(v\)](#). The Court adopts the Findings and Recommendation in its entirety and dismisses the action against Troy Hlavaty as personal representative of the estate of Tamara S. Hlavaty and Grand Island Radiology

Associates. The Court previously issued an order dismissing the action against the other defendants, [Filing No. 93](#), and thus this order terminates the action.

IT IS ORDERED:

1. The Findings and Recommendation of the magistrate judge, [Filing No. 92](#), is adopted in its entirety; and
2. The case is dismissed against Troy Hlavaty as personal representative of the estate of Tamara S. Hlavaty and Grand Island Radiology Associates, and the Court will enter a separate judgment.

Dated this 10th day of May, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge